

REMARKS

Applicant has reviewed the Office Action dated December 31, 2002, and the references cited therewith.

Claims 1, 2, 11, 15-18, 24, 26, and 27. Claims 1-29 are pending in this application.

§102 Rejection of the Claims

In the Office Action, claims 1 – 5, 7 – 20, 22, 24 – 26, 28 and 29 were rejected under 35 USC § 102(b) as being anticipated by Helland et al. (U.S. Patent No. 5,545,201).

Claims 1-5 and 7-10

Applicant has amended claim 1 to better describe the subject matter recited in the claim. Applicant submits that claim 1 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in Helland et al. a “second conductor disposed within the first conductor, the second conductor including one or more filars having an outer filar surface surrounded by an insulative coating,” as recited in claim 1.

Claims 2-5 and 7-10 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Moreover, Applicant traverses the Office Action’s characterization of the Helland reference. The Office Action asserts that “the insulation sheath (164), read as a sleeve or tube, is fabricated from polyurethane or another suitable plastic (c 2, ll 36-39; suitable insulating plastics are noted to be PTFE or Tefzel™ (a.k.a ETFE) (c 4, ll 26-30).” However, the first citation discusses materials for insulating sheath 24, and the second citation is discussing materials for intermediate insulator 48. Applicant cannot find in the Helland disclosure any discussion of the material used for insulator 164. Reconsideration and allowance is respectfully requested.

Claims 11-17

Claim 11 has been amended to better describe the subject matter recited in the claim. Applicant submits that claim 11 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in Helland et al. a “coating of insulation surrounding an outer filar surface of one or more filars of the first conductor or the second conductor,” as recited in claim 11.

Claims 12-17 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

Claims 18-20 and 22

Claim 18 has been amended to better describe the subject matter recited in the claim. Applicant submits that claim 18 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in Helland et al. "providing insulation surrounding the second outer filar diameter," as recited in claim 18.

Claims 19-20 and 22 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

Claims 24-26, 28, and 29

Claim 24 has been amended to better describe the subject matter recited in the claim. Applicant submits that claim 24 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in Helland et al. "providing a second conductor having a coiled configuration having a second outer coil diameter, and the second conductor having a second outer filar diameter surrounded by an insulative coating," as recited in claim 24.

Claims 25, 26, 28, and 29 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

§103 Rejection of the Claims

In the Office Action, claims 6, 21, 23 and 27 were rejected under 35 USC § 103(a) as being unpatentable over Helland et al. (U.S. Patent No. 5,545,201) in view of Altman et al. (U.S. Patent No. 5,845,396). Claims 6, 21, 23, and 27 depend on claims 1, 18, and 25 and the above discussion is incorporated herein by reference.

Moreover, Applicant traverses the characterization that Altman et al. teaches "a lead having redundant insulation" as asserted by the Office Action. Altman et al. discuss a technique to manufacture a co-radial coiled lead without having the coils unwind during manufacture. (Abstract, Altman et al.). The coiled cables discussed by Altman are wrapped or coated to

prevent unwinding, but Altman does not discuss that the wrapping provides redundant insulation. Accordingly, even if combined the references would not include each limitation recited in the claims.

Also, the Office Action cites col. 1, lines 13-27 of Altman as providing a motivation for the combination by stating that the combination can avoid lead fracture caused by the cardiac motion flexing the residually stressed area of the lead. However, that Background portion of the Altman reference is discussing the advantages of coiled conductors per se, it is not discussing the details of Altman's embodiments. Accordingly, there is no suggestion to modify the Helland reference to include the subject matter of Altman et al.

Furthermore, in determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983); *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1985); MPEP § 2141.02. Here, the Examiner has focused on the redundant insulation and, as discussed above, has not provided a sufficient motivation for making the alleged combination. Reconsideration and allowance is respectfully requested.

Documents Cited but Not Relied upon for this Office Action

Applicant need not respond to the assertion of pertinence stated for the references cited but not relied upon by the Office Action since these references are not made part of the rejections in this Office Action. Applicant is expressly not admitting to this assertion and reserves the right to address the assertion should it form part of future rejections.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-359-3267) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JEFFREY P. BODNER

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
612-359-3267

Date

3/31/03

By

Peter C. Maki

Peter C. Maki

Reg. No. 42,832

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 31 day of March, 2003.

Name

GREG HANSON

Signature

[Signature]